

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

<b>IN RE:</b>	)	
	)	
<b>CHRISTIE L. ESHLER</b>	)	<b>CASE NO: 16-61659</b>
	)	
<b>ADAM D. ESHLER</b>	)	<b>JUDGE: KENDIG</b>
	)	
<b>Debtors.</b>	)	
	)	
	)	
<hr/>	)	
<b>The Carter-Jones Lumber Co.</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Adversary Case No. 16-06040</b>
	)	
<b>vs.</b>	)	
	)	
<b>Hunters Choice AE Roofing, Siding</b>	)	<b><u>MOTION FOR REMAND</u></b>
<b>Gutters, LLC &amp; Eshler's Exteriors, LLC</b>	)	
<b>Adam D. Eshler</b>	)	
	)	
<b>Defendants</b>	)	

Now comes The Carter-Jones Lumber Co. ("Carter"), by and through undersigned counsel, and moves this Honorable Court for an Order remanding Stark County Common Pleas case number 2016CV01079 ("Stark County Action"), which was removed to this Court by Christie and Adam Eshler (collectively, "Debtors").

Debtors contend the Stark Count Action is a core proceeding because: "A. It is a matter concerning the administration of the estate (Section 157(b)(2)(A) of U.S.C., Title 28); B. Involves the allowance or disallowance of claims (Id. at (B)); Debtor objected to the claim and asserts he is not personally liable. C. Confirmation of plans (Id. at (L)); The claim of the Creditor will put the Debtor over the debt limit."

Debtors offer absolutely no legal or factual basis, or, for that matter, any analysis as to why the Stark County Action is a core proceeding, or this Court should accept jurisdiction over a

state court dispute involving state court claims. The Court is not required, nor should it, accept Debtor's bald assertion that the Stark County Action is a core proceeding. Further, Carter should not be expected to make Debtors' arguments for them, only to then knock them down.

Further, Carter anticipates the only reason Debtors have removed this action is so they get a second chance to move for vacation of the Judgement validly entered against them in the Stark County Action, yet another position for which Debtors offer no legal or factual support. This Court should not indulge Debtors by invading the province of the Stark County Court of Common Pleas.

Based upon the forgoing, Carter moves this Court to remand the Stark County Action back to the Stark County Court of Common Pleas.

Respectfully submitted,

/s/ Nicholas J. Horrigan

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### **CERTIFICATE OF SERVICE**

I certify that on or about the 8<sup>th</sup> day of December, 2016, a true and correct copy of the forgoing was served via the court's Electronic Case Filing System to the following who are listed on the court's Electronic Mail Notice List:

David A. Mucklow at [davidamucklow@yahoo.com](mailto:davidamucklow@yahoo.com)

Toby L. Rosen at [trosen@chapter13canton.com](mailto:trosen@chapter13canton.com)

/s/ Nicholas J. Horrigan

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